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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047879
Party	Plaintiff Larson/Glastron Boats, Inc.
Correspondence Address	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES sjohnston@merchantgould.com, slindemeier@merchantgould.com
Submission	Motion to Amend Pleading/Amended Pleading
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Signature	/SWJ/
Date	08/02/2007
Attachments	2007 08 02 Motion to Amend.pdf (6 pages)(115382 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Larson/Glastron Boats, Inc.,)	Cancellation No. 92047879
)	
Petitioner,)	Mark: BETTER BUILT BOATS
)	
v.)	Registration No.: 2,584,032
)	
George Downing,)	Filing Date: November 15, 2000
)	
Registrant.)	Registration Date: June 18, 2002
)	

MOTION TO AMEND

Petitioner respectfully requests that its Petition for Cancellation be amended to substitute the name of the current registrant, George Downing, for the name of the registrant in the Petition for Cancellation as filed, Sound Craft Marine, LLC. Petitioner filed the Petition for Cancellation on July 31, 2007, and listed the registrant currently listed on the PTO's TARR database. However, it appears that the registration was assigned to George Downing according to the assignment records at the PTO. Accordingly, Petitioner asks that its Petition be amended to reflect the current registrant only. A new Petition for Cancellation with this one change is attached to this motion.

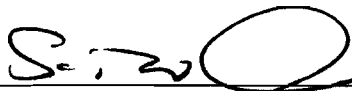
Since this motion to amend is being filed before Registrant has filed a responsive pleading, Petitioner asks that it be granted and that the amendment to the pleading be made pursuant to Federal Rule of Civil Procedure 15(a).

Respectfully submitted,

LARSON/GLASTRON BOATS, INC.

By its Attorneys,

Date: 8-2-07


Scott W. Johnston
MERCHANT & GOULD P.C.
80 South Eighth Street, Suite 3200
Minneapolis, Minnesota 55402-2215
(612) 332-5300

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO AMEND was served upon Registrant t by First Class Mail, postage prepaid, this 2nd day of August, 2007:

George Downing
12209 NE 33rd Street
Bellevue, WA 98005



Scott W. Johnston

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Larson/Glastron Boats, Inc.,)	Cancellation No. 92047879
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Petitioner,)	Mark: BETTER BUILT BOATS
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AMENDED PETITION FOR CANCELLATION

Larson/Glastron Boats, Inc., a Delaware corporation having a principal place of business at 700 Paul Larson Memorial Drive, Little Falls, Minnesota 56345 (hereinafter "Petitioner"), believes that it may be damaged by the continued registration of the mark BETTER BUILT BOATS as shown in trademark Registration No. 2,584,032, owned by George Downing (hereinafter "Registrant"), and hereby petitions to cancel the registration. The grounds for cancellation are as follows:

1. Registrant owns a registration on the Supplemental Register for the mark BETTER BUILT BOATS for "motor-powered boats," in International Class 12 ("Registrant's Mark"). Registrant's registration is based on an application filed November 15, 2000, and asserts a first use date of July 1, 1999.
2. Petitioner uses the mark BETTER BUILT BOATS in connection with boats and structural parts therefor.

3. On September 5, 2006, Petitioner filed application Serial No. 78/966,869 in the United States Patent and Trademark Office to register BETTER BUILT BOATS for boats and structural parts therefor.

4. Petitioner has been and is being damaged because registration of Petitioner's Mark in application Serial No. 78/966,869 has been refused under Section 2(d) of the Trademark Act because of Registrant's mark.

5. Upon information and belief, Registrant is not using the BETTER BUILT BOATS mark.

6. Upon information and belief, Registrant is no longer in the boat production business.

7. Registrant has abandoned the mark shown in Registration No. 2,584,032.

8. Petitioner is likely to be damaged by continuance of Registration No. 2,584,032, in that Petitioner's use and/or registration of the mark BETTER BUILT BOATS may be limited by the continued registration of said abandoned mark of Registrant.

9. Continued registration of the mark shown in Registration No. 2,584,032 will result in damage to Petitioner under the provisions of Section 2 of the U.S. Trademark Act, 15 U.S.C. § 1052, and the abandonment doctrine as defined in Section 45 of the Trademark Act, 15 U.S.C. § 1127, pursuant to the allegations stated above.

WHEREFORE, Petitioner asks that its petition to this registration be sustained and that Registration No. 2,584,032 be cancelled.

Please direct all correspondence to:

Scott W. Johnston
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910

Petitioner herein appoints John A. Clifford, Reg. No. 30,247; Gregory C. Golla;
Andrew S. Ehard; Scott W. Johnston, Reg. No. 39,721; Heather J. Kliebenstein; Danielle I.
Mattessich; Scott M. Oslick; Christopher J. Schulte; William D. Schultz and all other attorneys
of the firm of Merchant & Gould P.C., its attorneys to transact all business in the U.S. Patent and
Trademark Office relating to this matter with full power of substitution.

Respectfully submitted,

LARSON/GLASTRON BOATS, INC.

By its Attorneys,

Date: 8-2-07




Scott W. Johnston
MERCHANT & GOULD P.C.
80 South Eighth Street, Suite 3200
Minneapolis, Minnesota 55402-2215
(612) 332-5300

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing AMENDED PETITION
FOR CANCELLATION was served upon Registrant by First Class Mail, postage prepaid, this
2nd day of August, 2007:

George Downing
12209 NE 33rd Street
Bellevue, WA 98005



Scott W. Johnston